

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

Dennis A. Smith

v.

Civil No. 07-cv-119-SM

Commissioner, New Hampshire Department  
of Corrections, et al.

**O R D E R**

Pro se plaintiff Dennis A. Smith moves for reconsideration of my report and recommendation (document no. 26) on the basis that it fails to address a cause of action raised in his amended complaint (document no. 23). For the reasons stated in the report and recommendation issued simultaneously herewith, Smith's motion is granted. Upon consideration of his motion and amended complaint, I find that Smith has alleged Fourteenth Amendment due process claims against William L. Wrenn, Commissioner of the New Hampshire Department of Corrections ("NHDOC"), John C. Vinson, NHDOC Staff Attorney, and Bruce W. Cattell, Warden of the New Hampshire State Prison. I recommend dismissal of all remaining claims.

As I find that plaintiff has stated a claim upon which relief may be granted, I order the amended complaint served on

the defendants. The Clerk's Office is directed to serve the New Hampshire Office of the Attorney General (AG), as provided in the Agreement On Acceptance Of Service, copies of this order, the motion for reconsideration and the amended complaint (document nos. 23 and 30). See LR 4.3(d)(2)(C). Within thirty days from receipt of these materials, the AG will submit to the court an Acceptance of Service notice specifying those defendants who have authorized the AG's office to receive service on their behalf. When the Acceptance of Service is filed, service will be deemed made on the last day of the thirty-day period.

As to those defendants who do not authorize the AG's office to receive service on their behalf or whom the AG declines to represent, the AG shall, within thirty days from receipt of the aforementioned materials, provide a separate list of the last known addresses of such defendants. The Clerk's Office is instructed to complete service on these individuals by sending to them, by certified mail, return receipt requested, copies of these same documents.

Defendants are instructed to answer or otherwise plead within twenty days of acceptance of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials to them or their attorneys, pursuant to Fed. R. Civ. P. 5(b).

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: November 27, 2007

cc: Dennis A. Smith, pro se